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September 2, 2022

BY ECF

The Honorable Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED, p. 2

Re: *United States v. Carlos Melo,*
21 Cr. 311 (SHS)

Dear Judge Stein:

This letter is respectfully submitted on behalf of defendant Carlos Melo, whom I represent in the above-entitled matter, and for the reasons set forth below requests an adjournment of two weeks (until September 23, 2022) of the date by which Mr. Melo's pretrial motions must be filed. This is the first request for such an extension. I have spoken with Assistant United States Attorney Kaylan E. Lasky, and she has informed me the government does not object to this application, which also includes a corresponding adjustment of the schedule for the government's response and Mr. Melo's reply.

The revised motion schedule would be as follows:

Mr. Melo's motions:	September 23, 2022
Government's response:	October 14, 2022
Mr. Melo's reply:	October 24, 2022

Also, presently a pretrial conference is scheduled for October 14, 2022, at 11:30 a.m. Neither party objects if the Court grants this request to revise the motion schedule and determines that the pretrial conference should be adjourned as well until a later date. In that context, Mr. Melo consents to exclusion of time (for purposes of the Speedy Trial clock) until either his files his pretrial motions (which would toll that clock) or the date of the pretrial conference.

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The two-week adjournment for pretrial motions is requested because, as the Court is aware, this case originated in Colombia. There are items of discovery – both physical items and electronically stored information – that have not yet been produced that the U.S. government may or may not be able to obtain from Colombian authorities. AUSA Lasky and I have discussed that process, which is ongoing. However, in order to create a proper record, I have prepared a discovery letter (which will also seek specific exculpatory materials pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and Rule 5(f), Fed.R.Crim.P.) that I will serve upon the government Tuesday, September 6, 2022.

The requested adjournment would provide the government adequate time to answer the letter. Since the pretrial motions will likely involve a request for Letters Rogatory for those discovery items the U.S. government cannot produce, limiting the motions to precisely those items (and we hope as few as possible) would be far more efficient considering the cumbersome and time-consuming nature of the Letters Rogatory process. Of course, the same is true with respect to any *Brady* material that is in within the control of the Colombian authorities.

Also, many of the documents provided in discovery have been provided only in Spanish, or only in English. Thus, for me to discuss them with Mr. Melo, they have to be translated into one language or the other. That process is also continuing. The motions would benefit from my further discussion with Mr. Melo in that regard, as that would assist in specifying certain discovery items sought in the motions (if not otherwise produced).

Accordingly it is respectfully requested that the Court extend for two weeks the time for filing of Mr. Melo's pretrial motions, with corresponding revisions to the schedule for the government's response and Mr. Melo's reply as set forth above. As noted *ante*, the government does not object to this application.

Respectfully submitted,



JLD/

Joshua L. Dratel

The defense motions are adjourned until September 23, the government's opposition is adjourned until October 14, and the defendant's reply is due by October 24. The conference is adjourned until October 27, 2022, at 10:00 a.m. The time is excluded from calculation under the Speedy Trial Act from today until October 27, 2022. The Court finds that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial pursuant to 18 U.S.C. Sec. 3161(h)(7)(A).

Dated: New York, New York
September 6, 2022

SO ORDERED



SIDNEY H. STEIN
U.S.D.J.